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September 21, 1999

Mr. Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

RE: Comments on the Draft Programmatic EIS/EIR of June, 1999

Dear Mr. Breitenbach:

The League of Women Voters of California submits these comments on the Draft Programmatic EIS/EIR of June, 1999.

First, we would like to acknowledge the improvement over the March 1998 draft. An enormous amount of work has gone into producing this Draft PEIS/R. However, we believe much work remains before the Record of Decision (ROD).

Our first concern is restoration of the Bay-Delta Ecosystem. Increased freshwater flows to protect fish and wildlife and ensure water quality for humans and the environment, especially in dry years, are critical to this goal. CALFED needs to better articulate how these flows would be acquired and maintained. Methods of obtaining additional flows for the environment should be more thoroughly explored and scientific studies to better define the freshwater needs of the Estuary's fish and wetland resources should be an ongoing part of the program. Assurances for guaranteeing these freshwater flows should include limits on the amount of water to be exported through or around the Delta.

CALFED needs to meet its objectives for Ecosystem Restoration, Water Quality, Water Supply Reliability, and Levee Stability by placing primary emphasis on non-structural solutions first: ecosystem restoration, conservation, reclamation, reoperation of the existing system, pollution prevention, and drinking water treatment. These options will be the least damaging environmentally and should be optimized during the Phase I (Years 1-7) before the decision is made to build new or expanded surface storage, canals, or conveyances facilities. This phased decision-making approach should be followed instead of the current Preferred Alternative identified in the Draft PEIS/R.

The EIS/EIR should provide a more complete discussion about the nature of the environmental review that will take place for future projects under the Program. A commitment should be made that a project-specific EIS/R will be prepared for each new facility. As part of this complete environmental documentation, CALFED needs to complete the work referenced as Phase II Report Commitments Before or at Time of ROD. These commitments include Draft Water Management Strategy; Record of Decision (ROD) Document (s); Comprehensive Monitoring and Research Program (CMARP) for Stage 1a actions; Site-specific NEPA/CEQA etc. for Stage 1a Actions.

Additional Commitments by the time of ROD include:

Final Water Management Strategy

- "Programmatic" economic analyses
- Measures of success of WMS tools "fully defined"
- Details of Environmental Water Account for implementation immediately in Stage 1
- Linkages and assurances for new storage

Governance

- Interim Governance Implementation
- New Framework Agreement for Policy Team
- New FACA Charter
- New MOU on CALFED Program
- Decision on Long Term Governance Structure

Finance

- Final Finance Plan
- Cost allocation procedures and strategies
- Specific allocation of benefits
- Stage 1 cost estimates with cost-share, crediting policy, and Proposed Stage 1 financing strategy

Regulatory Compliance

- Programmatic ESA Section 7 Biological Opinion and State Fish and Game NCCP Determination
- Programmatic Fish and Wildlife Coordination Report
- CWA 404 Strategy MOA
- State Board MOA on CWA 401 Certification, Strategy
- CZMA Programmatic Consistency Determination.

Inconsistencies within the Draft Programmatic EIS/EIR and Appendices should be corrected. The correction of inconsistencies and the Report Commitments completed will need time for public review and comment. If the information significantly changes the draft preferred alternative, CALFED should reissue the Draft PEIS/R.

CALFED has several agency and stakeholder groups working to strengthen various aspects of the program, e.g., ecosystem restoration, agricultural and urban water use efficiency, and water quality, watershed, etc. We believe these efforts should continue and the results incorporated in documentation before the ROD. We would like to emphasize the importance of providing adequate funding to complete this work. CALFED should ensure that resources equivalent to those expended on the studies and preparatory work for new storage and conveyance facilities are available to complete the work on other program elements: ecosystem restoration; water use efficiency; transfers; watershed; CMARP, Water Transfers Clearinghouse, etc.

Work that remains to be done in the many program areas includes development of strategic plans, which include clear goals, measurable objectives, and performance standards at the level appropriate for a programmatic document. As part of the adaptive management embraced by CALFED, strategic plans for each program area should be in place, should integrate adequate elements of the Comprehensive Monitoring and Research Program (CMARP) and include methods of evaluating whether a program is achieving its goals and objectives. This planning process is important for all the common programs. For example, the Watershed Program should incorporate a system that ensures that all of the Estuary's local watersheds are covered by watershed plans and that these plans have restoration of the watershed resources as a primary objective. In all program areas, actions should be explicitly linked to expected results. Also, actions in all program areas should be linked quantitatively to CALFED objectives, e.g., urban water conservation in Southern California should be credited to water needed to protect the Bay-Delta ecosystem.

The Draft PEIS/R needs to better reflect the interrelationships of program elements. For example, the agricultural and urban water use efficiency programs and the watershed programs will produce water quality benefits, which should be quantified and integrated into the water quality program, and also will provide water supply reliability needs which should be credited to flow needs for the Bay-Delta. This integration of program elements and explicit linkage of actions to expected results should be completed before the ROD.

The Water Quality Program is a special concern. CALFED should broaden the Water Quality Program and establish the objective of improving water at the tap, not focus solely on water quality at the pumps. CALFED should put significant resources into achieving public health protection for water quality at the tap, using a cost effective combination of alternative source waters, source control, and treatment technologies. The resources should be equivalent to the resources expended in evaluating options for improving water quality at the pumps.

The Draft PEIS/R needs to establish an environmental baseline that includes full implementation of the Central Valley Project Improvement Act, the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, and the State

Water Resources Control Board Bay-Delta Accord standards. CALFED incentives should provide benefits above this baseline. The Environmental baseline also should include the Trinity River Flow Decision and CALFED documentation should incorporate and be consistent with the NEPA/CEQA documentation on the Trinity River decision.

CALFED needs to strengthen the Environmental Justice and Tribal Trust Assets sections of the document. CALFED needs to analyze both urban and rural justice concerns. CALFED should prioritize funding and actions in low-income and communities of color, such as investments in community-based conservation programs. These programs have proved very successful in Southern California and should be encouraged throughout the CALFED solution area.

Completion of the Finance package is another particular concern. Broad based user fees also should be a part of the long term financing for the Ecosystem Restoration Program and other CALFED programs. A mix of public-private partnership funding would be appropriate for 1) programs that will provide above-baseline ecosystem restoration benefits, 2) programs which will serve to reduce overall water use (e.g., conservation and demand management), and 3) programs which ensure that more end uses can be served without any increase in baseline depletions in the Bay-Delta system. We believe that aggressive investments in programs such as conservation and reclamation that reduce demand on the system can reap great benefits in water supply reliability, water quality, and ecosystem restoration, without further harm to the environment. Methods to assure that at least some of the water gained through conservation and reclamation is reserved for the environment should be addressed.

The levee program should be strengthened to address the widespread land subsidence in the Delta, the underlying cause of levee vulnerability.

CALFED should correct the No Action 1995 baseline demand projections, which overstate current urban demand (an estimated 800,000 to 1.2 maf). LWVC has submitted extensive comments on the Department of Water Resources' Bulletin 160, which provided data for the baseline demand projections, which we believe are flawed. These comments are attached for the record.

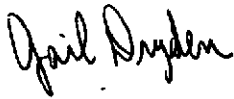
The package of assurances is not coherent and should be packaged together so we can evaluate for balance and ability to implement. CALFED should treat governance, finances, ESA assurances and other assurances developed for each program as a whole. The Draft PEIS/R needs to place greater emphasis on how the planning elements are carried into implementation. This is especially true of the Ecosystem Restoration Program Plan, since restoration of the Estuary is LWVC's primary concern.

Finally, for the record, we would like these comments to incorporate two previous sets of comments submitted on the Draft Programmatic EIS/EIR of March 1998.

These comments are attached. (LWVC comments on Draft Programmatic EIR/EIS of March 1998 and LWVC as signatory to EWC Joint Comments on Draft EIS/EIR.) We also include LWVC Comments on Draft Bulletin 160-98 and the *Blueprint for an Environmentally and Economically Sound CALFED Water Supply Reliability Program*, for the record.

The League of Women Voters of California remains committed to working with the CALFED agencies to develop a long-term water management strategy for California that will protect and restore the Bay-Delta Ecosystem and provide water quality, water supply reliability, and levee stability benefits to the state.

Sincerely,



Gail Dryden
President



Roberta Borgonovo
Water Director

Attachments: 7/1/98 LWVC Comments on Draft Programmatic EIR/EIS of
March, 1998
6/30/98 EWC Joint Comments on Draft EIS/EIR
4/16/98 LWVC Comments on Draft Bulletin 160-98
11/5/98 *Blueprint for an Environmentally and Economically Sound
CALFED Water Supply Reliability Program*